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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,799	01/05/2001	Aris Papasakellariou	TI-26214	5282

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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 05/12/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,799

Applicant(s)

PAPASAKELLARIOU ET AL.

Examiner

Lawrence B Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). On page 2, lines 13-15, applicant makes reference to Fig. 2 as a "typical digital demodulator" "a typical DLL circuitry" in Fig. 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 2, lines 13-15, applicant makes reference to Fig. 3 as "a typical DLL circuitry". Applicant then makes reference to Fig. 3 as "a code time tracking unit" in line 19 of page 7 of the specification and also as a preferred embodiment. Examiner is unsure whether applicant is using Figures 2 and 3 as Prior Art or embodiments of the inventive subject matter. Appropriate correction is required.

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 3 is objected to because of the following informalities:

a.) Claim 3 recites the limitation "the system" in line 1. There is a lack of antecedent basis for this limitation in the claim.

b.) Examiner suggests applicant insert the word "the" after of in line 1 of the claim.

5. Claim 4 is objected to because of the following informalities:

a.) Claim 4 recites the limitation "the system" in line 1. There is a lack of antecedent basis for this limitation in the claim.

b.) Examiner suggests applicant insert the word "the" after where in line 1 of the claim.

6. Claim 6 is objected to because of the following informalities:

a.) Claim 6 recites the limitation "the system" in line 1. There is a lack of antecedent basis for this limitation in the claim.

b.) Examiner suggests applicant insert the word "the" after of in line 1 of the claim.

7. Claim 7 is objected to because of the following informalities:

a.) Claim 7 recites the limitation "the system" in line 1. There is a lack of antecedent basis for this limitation in the claim.

b.) Examiner suggests applicant insert the word "the" after where in line 1 of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Applicant's claim 3 ends without a period. It is unclear as to whether the claim is fully disclosed or incomplete as written. Examiner also suggests applicant insert the word "the" after of in line 1 of the claims. Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1, 2, 4-5, 7 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Farjh (US Patent 5,978,423).

(1) With regard to claim 1, Farjh disclose a method for performing time tracking of two or more paths of a spread spectrum signal in a spread spectrum communications receiver using correlations of the received spread spectrum code with a local code replica at time instants which are early, late and on time relative to the perceived path arrival time, thereby providing statistics at these instances (col. 7, lines 37-45) comprising the steps of: (a) determining the mutual distances between the on time instance of one path and the early, and/or late, and/or on time instance as used by the time tracking unit of the other path (col. 4, lines 54-61; col. 7, lines 49-50); (b) determining whether any of said distances is smaller than one element of said spread spectrum code (col. 7, lines 51-52); changing the separation between early and on time, and late

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and on time instances if any of said distances in (b) is smaller than one element of the spread spectrum code (col. 7, lines 4-27, 53-55).

(2) With regard to claim 2, Farjh also discloses a method for performing time tracking of two or more paths of a spread spectrum signal in a spread spectrum communications receiver using correlations of the received spread spectrum code with a local code replica at time instants which are early, late and on time relative to the perceived path arrival time, thereby providing statistics at these instances (col. 7, lines 37-45), comprising the steps of: (a) determining the mutual distances between the on time instance of one path and the early, and/or late, and/or on time instance as used by the time tracking unit of the other path (col. 4, lines 54-61; col. 7, lines 49-50); (b) determining whether any of said distances is smaller than one element of said spread spectrum code (col. 7, lines 51-52); (c) disregarding updates of said time tracking unit corresponding to **the path having smaller power than** the other path if any of said distances in (b) is smaller than one element of the spread spectrum code (col. 7, lines 4-27).

(3) With regard to claim 4, claim 4 inherits all limitations of claim 2 above. Furthermore, Farjh also discloses in Fig. 6, the system of claim 2, where the path with disregarded updates of said time tracking unit is not further considered for demodulation (claims 6, 7).

(4) With regard to claim 5, claim 5 inherits all limitations of both claims 1 and 2 above and therefore is also disclosed by Farjh.

(5) With regard to claim 7, claim 7 inherits all limitations of claim 5 above. Furthermore, Farjh also discloses in Fig. 6, the system of claim 5, where the path with

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disregarded updates of said time tracking unit is not further considered for demodulation (claims 6, 7).

(6) With regard to claim 8, claim 8 inherits all limitations of claims 1, 2, and 5 above and therefore is also disclosed by Farjh.

CONCLUSION

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 703-305-6969. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw
May 5, 2004


STEPHEN CHIN
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